

Eli Richardson

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

NICHOLAS TODD SUTTON,)	
)	
Plaintiff,)	<u>CAPITAL CASE</u>
)	
v.)	No. 3:19-cv-00005
)	JUDGE RICHARDSON
TONY PARKER, et al.,)	
)	Execution date: February 20, 2020
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO FILE EXCESS PAGES

Defendants hereby seek leave under Local Rule 7.01(a) to file a Reply in Further Support of Motion to Dismiss Amended Complaint for Injunctive Relief that exceeds the 5-page limit. In support of this motion, Defendants state the following:

1. Plaintiff's Amended Complaint challenges the State's current lethal-injection protocol. The Amended Complaint is 144 pages, includes 750 paragraphs, and asserts seven counts arising under various provisions of the U.S. Constitution, including the Due Process Clause, the Ex Post Facto Clause, and the Eighth Amendment. (D.E. 11, PageID #1387-1536.)

2. On February 21, 2019, Defendants filed a motion to dismiss Plaintiff's Amended Complaint (D.E. 12) and accompanying memorandum of law (D.E. 13). Defendants' memorandum of law complied with the 25-page limit.

3. Defendants' motion to dismiss sought dismissal of Counts I, II, IV, and VII of the Amended Complaint for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1). It also sought dismissal of all seven counts of the Amended Complaint for failure to state a claim under Fed. R. Civ. P. 12(b)(6). (D.E. 12, 13.) The motion to dismiss raises a number of complex issues,